

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Lee**

§

Serial No.: **10/814,733**

§

Group Art Unit: **2185**

Filed: **March 31, 2004**

§

Examiner: **Yaima Campos**

For: **Data Processing System and
Computer Program Product for Support
of System Memory Addresses with Holes**

§

Attorney Docket No.: **AUS920040057US1**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that the appeal brief filed on August 22, 2007 is considered non-compliant because "The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). The citations are not correlated to the claim limitations, instead they are all grouped together after the recitation of a large portion of the claim. Thus, it is not clear which element the citations are mapping and it appears that not all elements are mapped.". A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the

extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated November 13, 2007, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on August 22, 2007, was held defective because "The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). The citations are not correlated to the claim limitations, instead they are all grouped together after the recitation of a large portion of the claim. Thus, it is not clear which element the citations are mapping and it appears that not all elements are mapped.".

In order to address the Examiner's concerns, a Replacement Appeal Brief is submitted herewith. It is respectfully submitted that the Replacement Appeal Brief filed herewith is in compliance with 37 C.F.R. § 41.37. Appellant respectfully requests that the Replacement Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: December 12, 2007

Respectfully submitted,

/Lisa L.B. Yociss/
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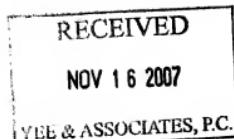
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,733	03/31/2004	Van Hoa Lee	AUS920040057US1	7203
35525	7590	11/13/2007		EXAMINER
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER

DATE MAILED: 11/13/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION

Client Name PLUSA20040057US1
File No. _____
Date 12/18/07 ACTION DOCKETED
Response to Notice of Non-Compliance
Appeal Brief
Docketed By mg Date 11/19/07
Checked By mg Date 11/19/07
Attorney Initials mg Date 11/19/07



Notification of Non-Compliant Appeal Brief <i>(37 CFR 41.37)</i>	Application No.	Applicant(s) LEE, VAN HOA Art Unit 2185
	10/814,733	
	Examiner Yaima Campos	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

The Appeal Brief filed on 22 August 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH** or **THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

- The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
- The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
- At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
- (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
- The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
- The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
- The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
- The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
- The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
- Other (including any explanation in support of the above items):

The citations are not correlated to the claim limitations, instead they are all grouped together after the recitation of a large portion of the claim. Thus, it is not clear which element the citations are mapping and it appears that not all elements are mapped.


JANJIV SHAH
HIS/ASORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

